



August 4, 2004 BZA

STAFF'S  
REQUEST ANALYSIS  
AND  
RECOMMENDATION

04AN0325

Bridget and Anthony Calabrese

Bermuda Magisterial District  
10700 Hamlin Circle

**REQUEST:** An eleven (11) foot Variance to the thirty (30) foot corner-side yard setback requirement for a dwelling addition in a Residential (R-12) District.

**RECOMMENDATION**

Recommend denial of this Variance for the following reasons:

- A. Staff finds there are no extraordinary circumstances or conditions applying to this property which do not apply generally to all other properties in the immediate area.
- B. The applicants have provided no information that there are such unusual circumstances about this property that adherence to the required setback would cause undue hardship.

**GENERAL INFORMATION**

**Location:**

Property is known as 10700 Hamlin Circle. Tax ID 788-661-7959 (Sheet 26).

**Existing Zoning:**

R-12

Size:

0.3 acre

Existing Land Use:

Residential

Adjacent Zoning and Land Use:

North - R-12; Residential  
South - R-12; Residential  
East - R-12; Residential  
West - R-12; Residential

Utilities:

Public water and sewer

General Plan:

(Chester Village Plan)

Residential  
(1.01 to 2.50 units per acre)

DISCUSSION

The applicants are proposing to construct a dwelling addition (with the first floor having 1,009 square feet and the second floor 729 square feet for a total of 1,738 square feet) nineteen (19) feet from the corner-side yard property line. The Zoning Ordinance requires a thirty (30) foot corner-side yard setback; therefore, the applicants are requesting an eleven (11) foot Variance (see attached plat).

The applicants provide the following justification in support of this request:

We wish to add a den and playroom. We were told to measure to the road. Now there seems to be a misunderstanding. We had plans made already with this information provided and have refinanced our home with only 4 ½ years left.

Staff visited the site which is located in Hamlin Estates Subdivision.

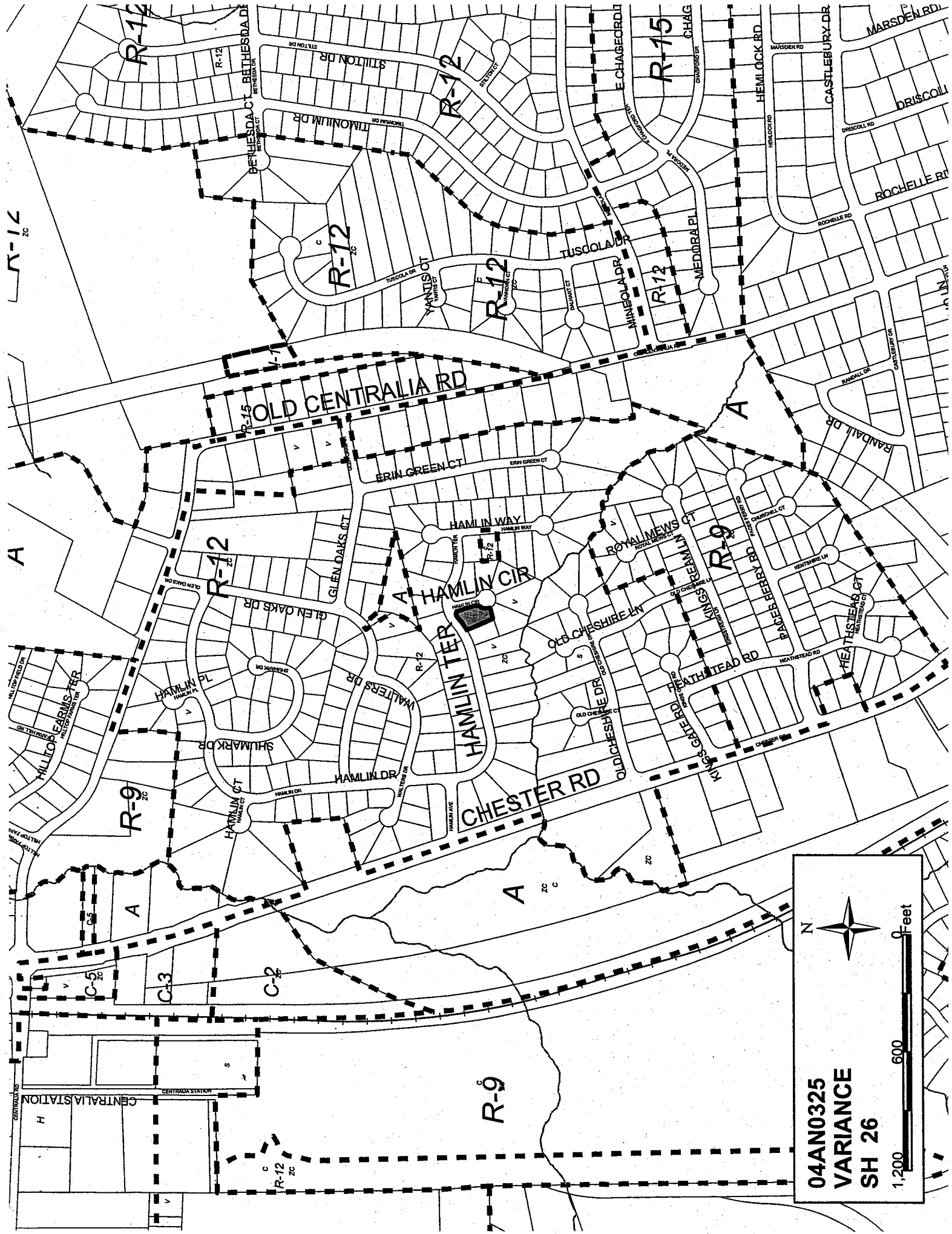
Staff has reviewed the attached site plan and the applicants' proposal. Staff finds that there are no extraordinary circumstances, conditions or physical features that would prohibit adherence to the required setbacks. Therefore, the test for Variances as specified in the Zoning Ordinance (Section 19-21 (b)) has not been met. The applicants could relocate or reduce the size of the proposed addition, thereby meeting the setback requirements.

Because an alternative exists and the applicants have not provided evidence of extraordinary conditions, staff does not support this request.

Should the Board of Zoning Appeals approve this request, it should be applicable to the dwelling addition only. Other structures could be constructed to this reduced setback. Therefore, staff recommends if this request is approved, it be subject to the following condition:

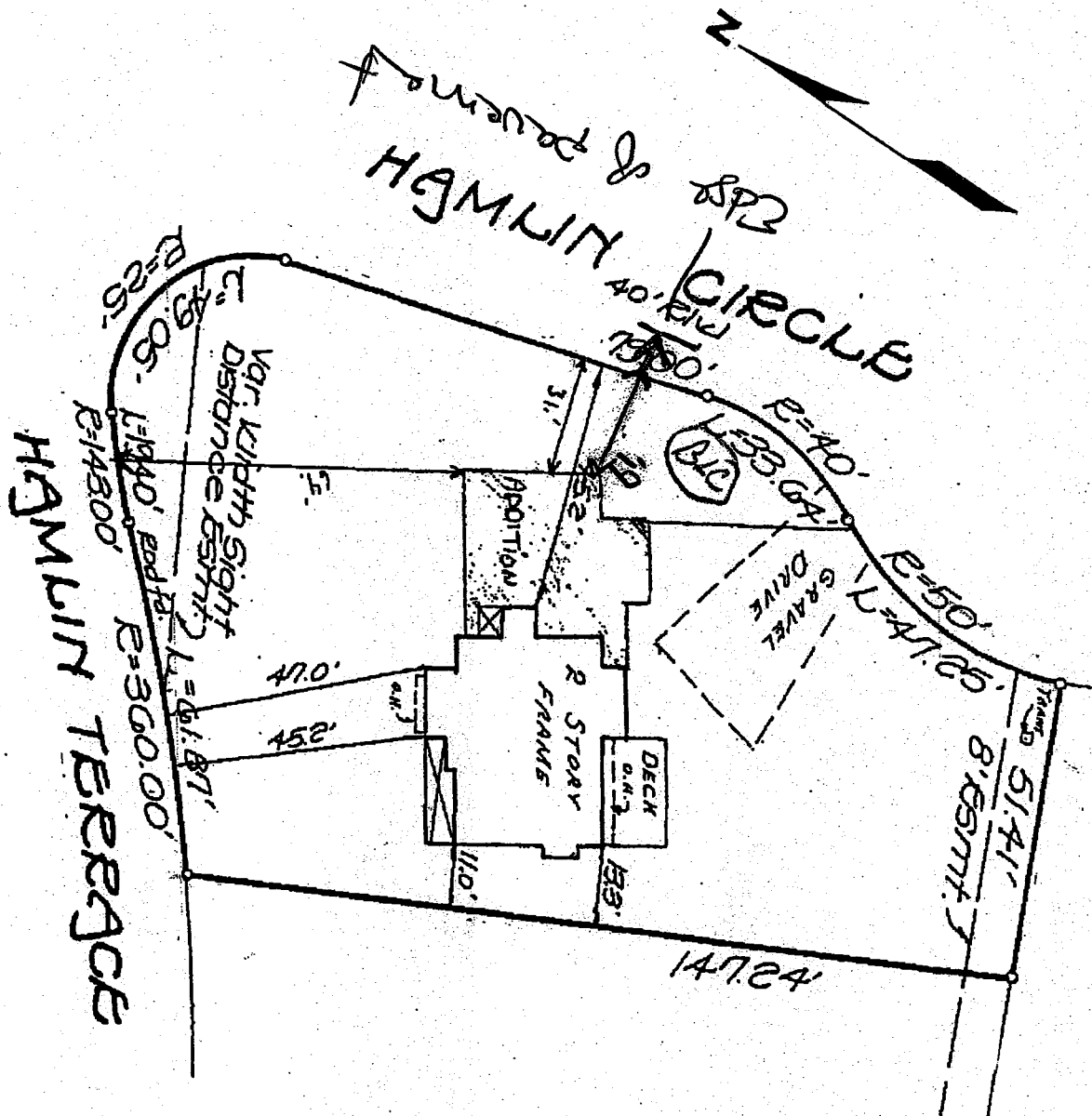
**CONDITION**

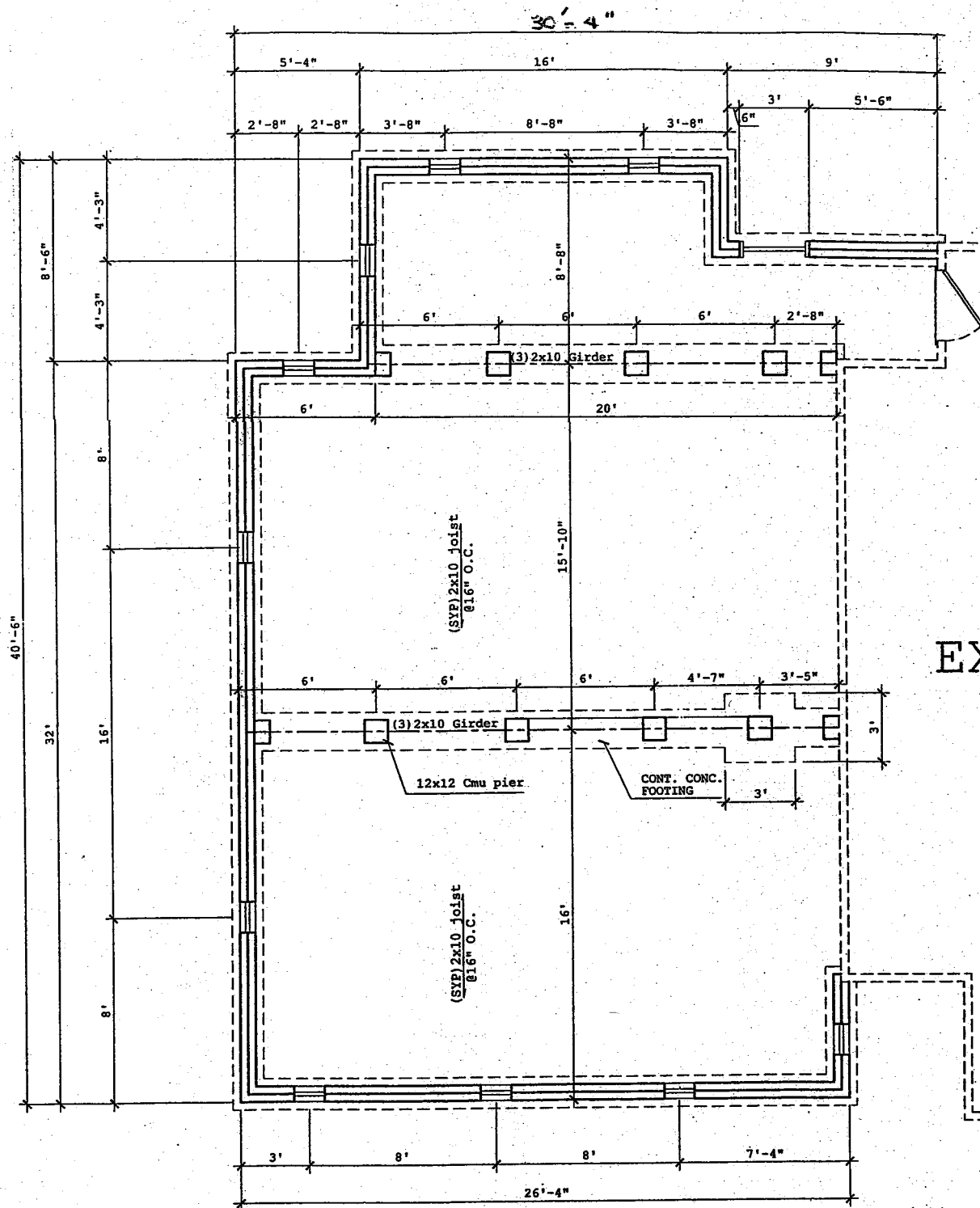
This Variance shall be for the dwelling addition only as depicted on the plat attached to staff's report.



0  
600  
1,200  
Feet

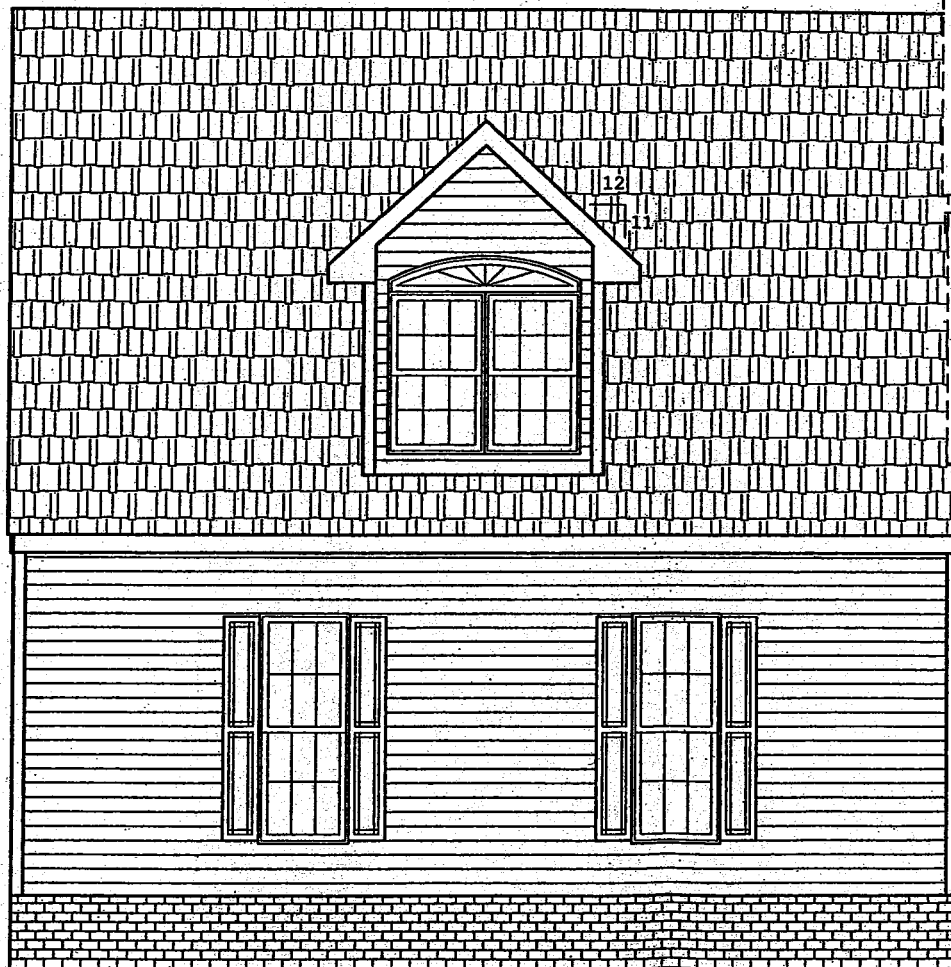
04AN0325  
VARIANCE  
SH 26



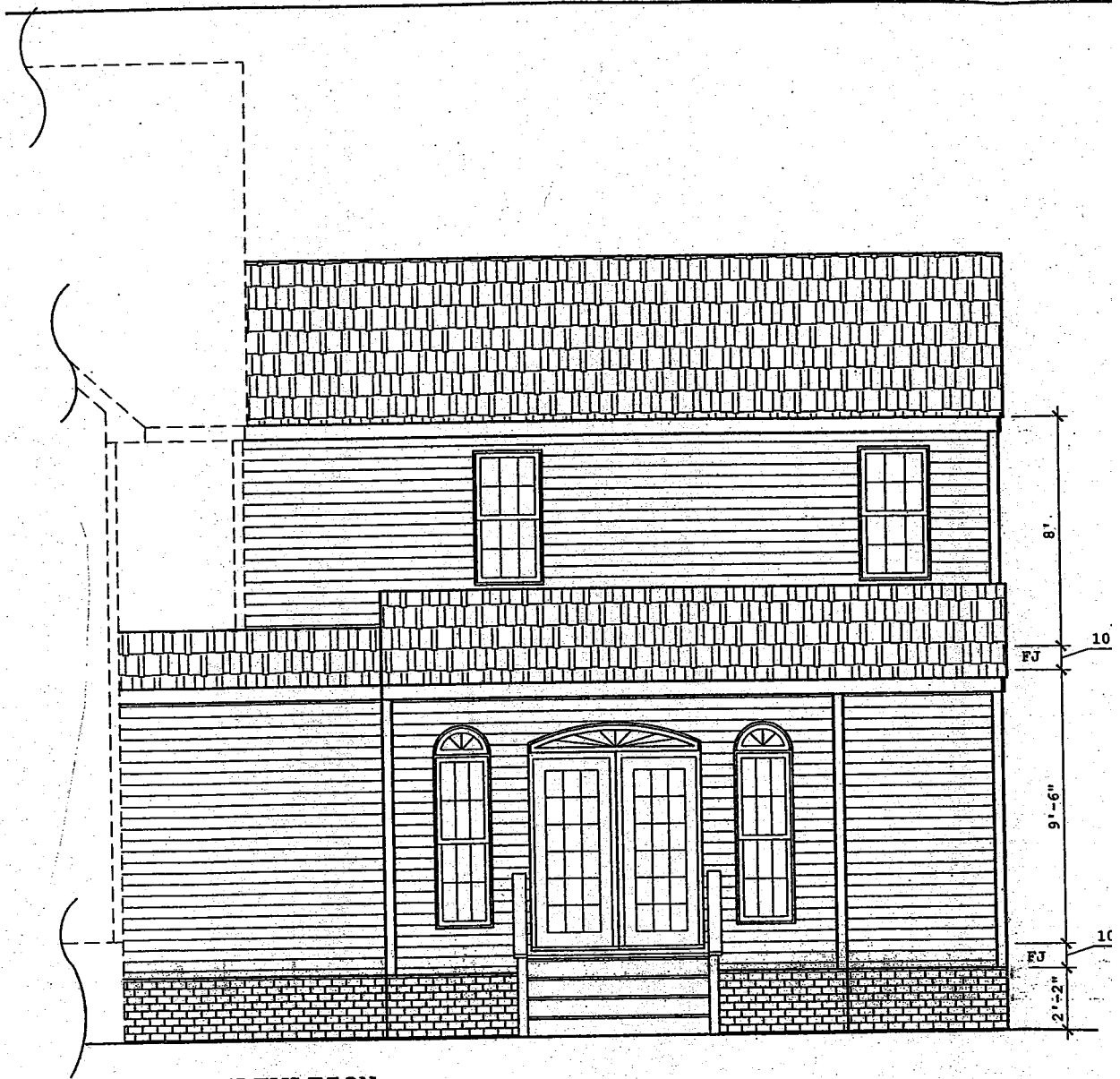


EXISTING

FOUNDATION PLAN

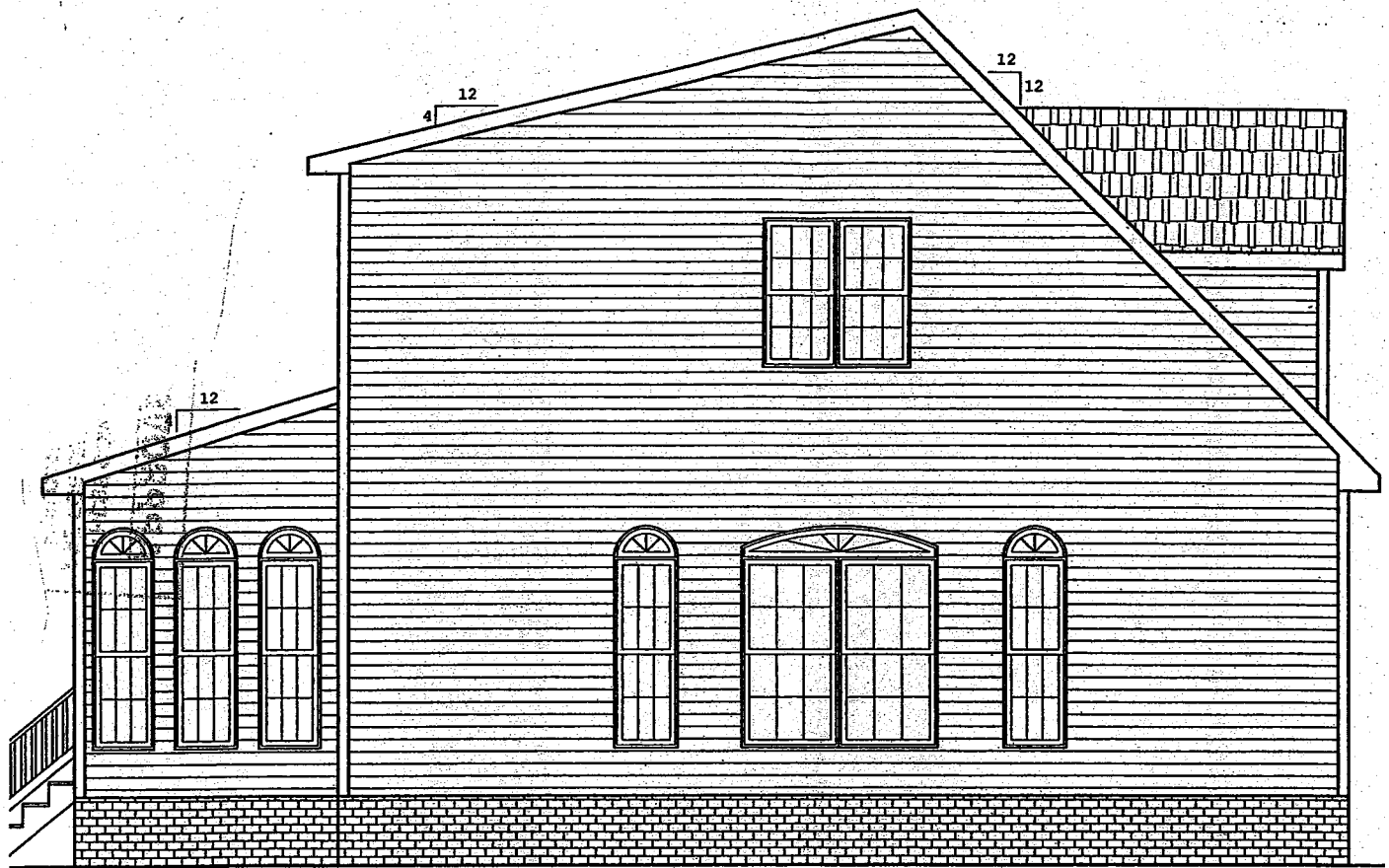


FRONT ELEVATION



REAR ELEVATION





RIGHT SIDE ELEVATION